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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PATRICIA HIVES, individually and as co-
successor in interest to Decedent Jacorey
Calhoun,

Plaintiff,

vs.

COUNTY OF ALAMEDA, municipal
corporation; DEREK THOMS, individually
and in his official capacity as deputy for the
COUNTY OF ALAMEDA et al.,

Defendants.

M.C., by and through his guardian ad item
ARION GUILLORY,

Plaintiff,

vs.

COUNTY OF ALAMEDA, municipal
corporation; DEREK THOMS, individually
and in his official capacity as deputy for the
COUNTY OF ALAMEDA et al.,

Defendants.

Case No.: 15-cv-02490-DMR

**DECLARATION OF DEWITT M. LACY
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT OR PARTIAL SUMMARY
JUDGMENT**

Date: August 11, 2016

Time: 11:00 a.m.

Location: 1301 Clay St.

Courtroom 4, 3rd Floor

Oakland, CA 94612

Hon. Donna M. Ryu

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2 1. I am an attorney at law licensed to practice before all courts in the State of California
3 and am an associate with THE LAW OFFICES OF JOHN L. BURRIS, attorneys of record herein for
4 Plaintiffs. I am one of the attorneys responsible for the handling of the Plaintiffs' case. If called upon
5 to testify in this matter, I could and would competently testify to the facts set forth in this declaration,
6 all of which are within my personal knowledge. This declaration is submitted in support of Plaintiffs'
7 Opposition to Defendants' Motion for Summary Judgment or Partial Summary Judgment.

8 2. Plaintiff, Patricia Hives, filed her first Complaint against Defendants for damages on
9 March 24, 2015.

10 3. Plaintiff, M.C., by and through his guardian ad litem, Arion Guillory, filed his first
11 Complaint on October 23, 2015.

12 4. The two actions were joined by this Court on December 3, 2015.

13 5. Attached hereto as Exhibit A is a true and correct copy of Justin Belligan's Deposition
14 Transcript, pertaining to this matter.

15 6. Attached hereto as Exhibit B is a true and correct copy of Defendant Derek Thoms'
16 Deposition Transcript, pertaining to this matter.

17 7. Attached hereto as Exhibit C is a true and correct copy of Daryl Gaunt's Deposition
18 Transcript, pertaining to this matter.

19 8. Plaintiffs began discovery on August 11, 2015 while the pleadings were being settled
20 by serving the City of Oakland with a subpoena to produce video footage captured on body-mounted
21 cameras worn by any officer who responded to the August 3, 2014 incident.

22 9. OPD operates under the management and control of the City of Oakland. After
23 several meet and confer efforts, the City of Oakland finally produced a copy of the corresponding
24 OPD Incident Report on January 28, 2016. On April 29, 2016, Defendants produced over three
25 thousand pages of discovery in response to Plaintiffs' written discovery and almost twelve hours of
26 audio/video recordings. Defendants also produced five hundred and eighty-five photos on the same
27 day.
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1 10. Attached hereto as Exhibit D is a true and correct copy of a video recording depicting
2 the subject incident, pertaining to this matter.

3 11. Attached hereto as Exhibit E is a true and correct copy of a video recording depicting
4 the subject incident, pertaining to this matter.

5 12. Attached hereto as Exhibit F is a true and correct copy of an Oakland Police
6 Department Laboratory Report pertaining to the subject incident.

7 13. Attached hereto as Exhibit G is a true and correct copy of Huy Nguyen's Deposition
8 Transcript, pertaining to this incident.

9 14. Attached hereto as Exhibit H is a true and correct copy of the Alameda County's
10 Coroner's Report pertaining to the subject incident.

11 15. Attached hereto as Exhibit I is a true and correct copy of the Miguel Masso's
12 Deposition Transcript pertaining to this matter.

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14 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
15 and correct. Executed on July 6, 2016 at Oakland, California.

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